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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,116	02/18/2000	HIROSHI MIYAZAWA	0670-225	1535

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EXAMINER

PATEL, GAUTAM

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 12/18/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/486,116

Applicant(s)

MIYAZAWA ET AL.

Examiner

Gautam R. Patel

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 16 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 16, 18-23 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Interview Summary

Application No.

09/486,116

Applicant(s)

MIYAZAWA ET AL.

Examiner

Gautam R. Patel

Art Unit

2655

All participants (applicant, applicant's representative, PTO personnel):

(1) Gautam R. Patel.

(3) _____.

(2) Mr. Eric J. Robinson.

(4) _____.

Date of Interview: 15 December 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 18 and 24-26.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: It was pointed out that a typographical error was made. Only claims 24-26 are being withdrawn from consideration not 27-28 or 31-32 and action on these claims was already given. Also further restriction is required because figures 13, 18, 19, 20 and 21 disclose different species. Restriction of claims 24-26 was agreed upon without traverse. It was also agreed that claim 18 will be considered generic in its present form.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

#13

Response to Amendment

1. This is in response to amendment filed on 11-5-03 (Paper # 11).
2. Claims 1-9, 16, 18-32 remain for examination.

Election/Restriction

3. Claims 24-26 are withdrawn from further consideration by the examiner pursuant to 37 CFR 1.142(b) as being drawn to a non-elected species [species other than fig. 1-17], there being no allowable generic or linking claim. Election was made **without traverse** in Paper No. 5 dated 3-20-03 and paper no. 8, dated 5-27-03.

Applicants have canceled claims 10-15, 17 and 33-52 in paper no. 8, dated 5-27-03. The Applicants are also urged to cancel claims 24-26, as they are being drawn to non-elected species [embodiment two to four, represented by figs. 18 to 27].

Applicant is reminded that **upon the cancellation of claims to a non-elected invention, the inventorship must be amended** in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

NOTE: Call was made to Mr. Eric J. Robinson on 12-12-03 and 12-15-03 to clarify the status of the claims and correct typographical error in the restriction notes. Conclusion was reached that claim 18 may be considered generic in its present form and claims 24-26 represent species other than that is being elected [fig. 13] for that particular shape of light reflection optical element. Therefore as agreed upon now claims 1-9, 16, 18-23 and 27-32 remain for examination. Action on these claims follows.

This election requirement is made **final**.

Specification

4. The disclosure is objected for following reasons.

The new title of the invention has a typographical error. Since no Adate@ is being read it is assumed that word should have been Adata@. Also simultaneous reading of data from plural tracks has been known for a long time. The Applicants are encouraged to give a title that is close to the innovation.

Correction and/or explanation are required.

Claim Rejections - 35 U.S.C. ' 103

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-2, 4-5, 7-9, 16 and 18-23 and 27-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujisawa, US. patent 5,497,366 (hereafter Fujisawa).

As to claim 1, Fujisawa discloses the invention as claimed [see Figs. 7-21B, especially 7-11 and 14], including an optical pickup , which has objective spot forming means, a plurality of photodetectors, a chassis, and various support means comprising:

(a) objective spot forming means (fig. 7, unit 51) for forming each spot of a plurality of light beams entered via a collimator (fig. 7 and 11, unit 83), on each track of a recording medium (fig. 14, unit 1) [col. 8, lines 47-57; col. 13, lines 12-18; and col. 15, lines 50-66];

(b) a plurality of photodetectors (figs. 7, 11 and 15, units 98 and 99) each provided for each spot for receiving reflected light of each spot, the reflected light having passed through said objective spot forming means, said collimator, and focus adjusting means in this order [col. 15, line 17 to col. 16, line 2]; and

(c) a chassis (fig. 8, unit 57) mounted with said collimator [col. 13, lines 12-39], wherein said focus adjusting means and said plurality of photodetectors are supported respectively by a focus adjusting means support member (fig. 7, unit 63) and a photodetector support member (fig. 7, unit 79) formed separately from said chassis (57), and the focus adjusting means support member and the photodetector support member are fixed to said chassis at positions along an optical axis [col. 15, lines 8-49; col. 9, lines 39-67];

Fujisawa teaches all of the above elements including plural photodetectors. Fujisawa does not teach a device for visual confirmation (CCD). "Official Notice" is taken that both the concept and the advantages of providing for visual displays which can display different light and spot forming are well known and expected in the art. It would have been obvious to include a visual display (CCD) to system of Fujisawa as this display units are known to provide the operator with visual feedback to verify the exact spot being formed on the disc and thereby saving time and money on wrong alignment. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

7. As to claim 2, Fujisawa discloses:

the plurality of light beams are generated by making light from a light source (fig. 14, unit 80) pass through a diffraction grating (fig. 7, unit 81) [col. 13, lines 12-52].

8. As to claim 4, Fujisawa discloses:

an optical axis of the reflected light passing through the collimator is changed to an optical axis toward said focus adjusting means by a beam splitter [fig. 10, unit 82] upon which the reflected light passed through the collimator becomes incident [col. 13, lines 12-23.

9. As to claim 5, Fujisawa teaches all of the above elements including photodetectors. Fujisawa does not teach a device for visual confirmation (CCD). "Official Notice" is taken that both the concept and the advantages of 'providing for visual displays which can display different light and spot forming are well known and expected in the art. It would have been obvious to include a visual display (CCD) to system of Fujisawa as this display units are known to provide the operator with visual feedback to verify the exact spot being formed on the disc and thereby saving time and money on wrong alignment. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].
10. As to claim 7, Fujisawa discloses:
said focus adjusting means is made movable between the beam splitter and said photodetectors [col. 12, lines 4-47].
11. As to claim 8, Fujisawa discloses:
focus adjusting means is moved by being slid on said chassis [col. 12, lines 4-65].
12. As to claim 9, Fujisawa discloses all of the above elements including deposition of photodetectors [98 and 99] and focus adjusting means and that they are away from each other by an offset. Fujisawa does not specifically teach that this device placement is related by the well known equation of ($y = ax + b$ where a and b are constants). "Official Notice" is taken that both the concept and the advantages of placing device with $y = ax + b$ formula are well known and expected in the art

when offset between two part is involved. It would have been obvious to have placed these two parts which follows the equation $y = ax + b$, because it would provided guideline for the placement of the parts while being formed in the system and thereby saving time and money on wrong alignment and placement. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

13. As to claim 16 it is rejected for the similar reasons as set forth in rejection of claim 1, above. As to the added limitation, Fujisawa discloses:

(d) means for adjusting a distance between said focus adjusting means and said photodetectors, wherein said adjusting means includes a first member (72) for supporting said focus adjusting means and a second member (78) supported by said chassis in a slidable manner for supporting said photodetectors, and the distance is adjusted by moving the first member along said chassis [col. 9, lines 39-67] and col. 13, lines 12-63].

14. As to claim 18, Fujisawa discloses:

(a) a light reflection optical element (fig. 14, unit 14) for reflecting a plurality of light beams incoming along a direction of a first axial line, toward a direction of a second axial line different from the first axial line [col. 15, lines 17-37 and col. 15, line 50 to col. 16, line 19];

(b) spot forming means (fig. 14, unit 51) for forming a spot of each light beam incoming along the direction of the second axial line from said light reflection optical element, on each track of a recording medium [fig. 14, unit 1] [[col. 15, lines 17-37 and col. 15, line 50 to col. 16, line 19];

(c) support means (unit 79) for rotatably supporting said light reflection optical element about at least one rotation axial line on a chassis, the rotation axial line passing a reference point (138) which is a cross point between the first and second axial lines [col. 15, lines 12-49];

(d) fixing means (inherently present) for fixing said light reflection optical element to the chassis [col. 13, line 24 to col. 14, line 17]; and

(e) reflected light detecting means (units 98 and 99) for detecting reflected light of each spot passed through said spot forming means [col 15, lines 12-37].

15. As to claim 19, Fujisawa discloses:

19. the rotation axial line includes a rotation axial line perpendicular to both the first axial line and the second axial line [col. 16, lines 2-61].

16. As to claim 20, Fujisawa discloses:

the rotation axial line includes a rotation axial line coincident with the first axial line [col. 16, lines 2-61].

17. As to claim 21, Fujisawa discloses:

the rotation axial line includes a rotation axial line coincident with the second axial line [col. 16, lines 2-61].

18. As to claim 22, Fujisawa discloses:

said support means includes a spherical fitting portion [col. 13, line 64 to col. 14, line 47].

19. As to claim 23, Fujisawa discloses:

light reflection optical element is a triangular prism [col. 14, line 48 to col. 15, line 7]. NOTE: Fujisawa does not use word triangular prism but picture and action of unit are exactly as that of a triangular prism.

20. As to claim 27, Fujisawa discloses various shapes of support means including concave and convex shapes. Fujisawa does not teach that this particular part has concave and convex spherical portion that can be fitted together. "Official Notice" is taken that both the concept and the advantages of providing concave

Art Unit: 2655

and convex parts and their fitting are well known and expected in the art. It would have been obvious to include these kind of parts, as these parts are known to fit better with each other because of their mutually fitting shape. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

21. As to claims 28-29 and 31-32. Fujisawa discloses various shapes of support means including various screws bolts washers and related accessories. Fujisawa does not specifically teach in detail where each and every screw goes to the extent claimed. "Official Notice" is taken that both the concept and the advantages of providing different screws, bolts and washer in different places for proper attachment of different parts. It would have been obvious to include these kind of parts, and its arrangement in the system of Fujisawa because without proper fixing of parts system will fall apart and will not work. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

Also arranging parts in different order is well known in the art. It would have been obvious to a person of ordinary skill at the time of the invention to have arranged parts with different connection of bolts and washers. As shown in "In re Japikse 86 USPQ 70 (CCPA 1950)" that to shift location of parts as such is generally not given patentable weight or would have been obvious improvements. Also using different screws, washers etc. does not change the operation of the optical head at all.

22. As to claim 30, it is rejected for the similar reasons set forth in the rejection of claim 18, supra.
23. Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujisawa as applied to claims 1-2, 4-9, 16, and 18-32 above, and further in view of Noda et al., EPA 316,959 (hereafter Noda).

As to claim 3, Fujisawa discloses all of the above elements including plurality of photodetectors [units 98 and 99] and error and tracking correction. Fujisawa does not specifically disclose well known details of the photodetector layout, such as single beam falling on for sections of a photodetector.

However Noda clearly discloses:

at least one of said plurality of photodetectors includes a plurality of light reception areas for divisionally receiving one light beam [col. 3, lines 7-27 and col. 4, lines 7-25 also fig. 3].

Both Fujisawa, and Noda are interested in providing smooth signals from the photodetectors and combine proper signal that are reflected back from the photodetectors to control the tracking and focusing with minimum parts.

Therefore, it would have been obvious to provide the system of Fujisawa with divided section photo-detecting means and associated details as taught by Noda. The application or use of the divided section photo-detecting means as taught by Noda would have been obvious, because the photo-detecting means performs the same function in the same way as the photo-detecting means of Fujisawa's system, and is an equivalent element. One of ordinary skill in the art would have recognized that the photo-detecting means of Noda was equivalent and an obvious alternative to photo-detecting means of system of Fujisawa.

NOTE: Fujisawa and Noda were disclosed in IDS, paper no. 6.

24. Applicant's arguments filed on 11-5-03 (Paper # 11) have been fully considered but they are not deemed to be persuasive for the following reasons.

25. In the REMARKS, the Applicant argues as follows:

A) That: "Paragraph 2 of the office action asserts..... pending." [page 11, para. 4; REMARKS].

Please see paragraph 3, above and interview summary.

B) That: "Paragraph 4 requested.

Paragraph 5 requested."

Paragraph 6 requested." [page 12, para. 1-2-3; REMARKS].

FIRST: Objection to spelling errors and device numbers in claims 1-9, 18-30 and 32 has been **withdrawn**.

SECOND: New objection to title has been given, see paragraph 4, above.

C) That: "As stated in MPEP Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teachings, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The test for1992)." [page 12-13 para. 5 to page 13, para. 1; REMARKS].

FIRST: The Examiner has given reason for combination. When parts are equivalent and one reference shows more well known details than other reference, one can be replaced by other which shows more details because most people do not show all the details in all the patents so as not to clutter the real invention.

SECOND: It should be pointed out that:

The test of the obviousness is:

"whether the teachings of the prior art, taken as a whole, would have made obvious the claimed invention,". As shown in *In re Gorman*, 933 F. 2d at 986, 18 USPQ2d at 1888.

Subject matter is unpatentable under section 103 if it "'would have been obvious to a person having ordinary skill in the art.' While there must be some teaching, reason, suggestion, or motivation to combine existing elements to produce the claimed device, **it is not necessary that the cited references or prior art specifically**

suggest making the combination." As shown in *In re Nilssen*, 851 F. 2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988).

Such suggestion or motivation to combine prior art teachings can derive solely from the existence of a teaching, which one of ordinary skill in the art would be presumed to know, and the use of that teaching to solve the same [or] similar problem which it addresses." As shown in *In re Wood*, 599 F. 2d 1032, 1037, 202 USPQ 171, 174 (CCPA 1979).

"In sum, it is off the mark for litigants to argue, as many do, that an invention cannot be held to have been obvious unless a suggestion to combine prior art teachings is found in a specific reference." As shown in *In re Oetiker*, 24 USPQ2d 1443 (CAFC 1992).

Accordingly, Fujisawa or Noda is not required to disclose or specifically suggest particular elements. Instead the measure is what the teachings of Fujisawa and/or would suggest to one of ordinary skill in the art, not what Fujisawa or Noda specifically suggests.

D) That: "The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. With respect to claims 1, 16 and 18, Fujisawa does not teach or suggest either a plurality of spots of a plurality of light beams, or a plurality of photodetectors each provided for each spot. With respect to independent claim 30, Fujisawa does not teach or suggest reflected light detecting means for receiving reflected light of each spot." [page 13, para. 2; REMARKS].

FIRST: It seems there is problem of semantics here. Since Fujisawa very clearly shows ALL the elements. Yes, Fujisawa does not use word "plurality of beams" or "plurality of photodetectors", however Fujisawa has all these parts exactly as claimed. For example, Fujisawa discloses that even in the prior art there are at least three beams going and coming out the recording surface [see fig. 4, itself, and col. 4, lines 26-30 and 45-52], not to mention the fig. 14 also shows the same thing.

SECOND: It should also be pointed out that word "beams", itself teaches more than one beam, or "plural beams". As to plural photodetectors; units **98** and **99** are shown in several places of Fujisawa, [e.g., col. 15, lines 38-41] and they are also pointed out in the previous action. Since there are plural beams, inherently they cast

plural spots by definition. And since there are plural spots that are being monitored, one must have plural photodetectors and/or photo-sections.

E) That: "the optical pickup device of Fujisawa uses a single spot of a single light beam [emphasis added] on optical disc 1 (see Fig. 4), and Fujisawa does not adopt an arrangement using the spots of a plurality of light beams on a recording medium as claimed in the present invention. [page 13, para. 3; REMARKS].

FIRST: Fig. 4 is prior art. However even that art shows plural beams. Yes look at the same figure 4. For example mirror 48 has THREE beams going in AND going out. Similarly disk 1 is receiving and reflecting THREE beams. Figure cannot be any more clear than this also col. 4, lines 27-28 says "semiconductor laser 44 as a light source for emitting laser beams".

SECOND: fig. 14 within the embodiment also shows three or more beams.

F) That: "nothing in Fujisawa teaches or suggests modifying the Fujisawa device such that each spot" [page 12-13, para. 3 and 1; REMARKS].

Please see para. 26, section C), above.

G) That; "Fujisawa shows that the optical paths of respective lights propagated from the optical source to the photo detectors 98 and 99 are different from each other, and moreover the photo detector 99 does not receive the reflected light from the spot.' [page 14, para. 4; REMARKS].

FIRST: The aspect of "light paths being different for respective lights [beams]" is incidental since that aspect has NOT been claimed.

SECOND: As to "the photodetector 99 does not receive the reflected light". At col. 15, lines 40-42, Fujisawa discloses "and photodetectors 98, 99 for receiving **reflected laser beams** [emphasis added] .."

H) That: "therefore, Fujisawa does not teach ...each spot".[page 15, para. 2; REMARKS].

Please see para. 26, section C), above.

I) That: "Fujisawa and Noda either alone or in combination, do not teach or suggest either a plurality of spots of a plurality of light beams, or a plurality of photodetectors each provided for each spot for receiving reflected light of each spot." [page 15, para. 4; REMARKS].

Please see para. 26, section D), above

J) That: "Furthermore, there is no suggestion or motivation, either inFujisawa." [page 15-16, para. 4 and 1; REMARKS].

Please see para. 26, sections C) and D), above.

Allowable Subject Matter

26. Claim 6 is objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and subject to overcoming objection of independent claims.

NOTE: Claim 6 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose an apparatus which includes optical head which includes a CCD for visual confirmation of light incident upon each photodetector and "this detecting means (CCD) being disposed on an opposite side of the beam splitter relative to said focus adjusting means". It is noted that the closest prior art, Fujisawa and Noda shows a similar apparatus which has plural photodetectors

Art Unit: 2655

and visual confirmation of various light spots are well known in the art. However Fujisawa and Noda fails to disclose placement of CCD as claimed.

27. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Contact information

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'G. R. Patel', is written over a horizontal line.

Gautam R. Patel
Patent Examiner
Group Art Unit 2655

December 16, 2003